



# University of Hawaii at Manoa

Environmental Center  
Crawford 317 • 2550 Campus Road  
Honolulu, Hawaii 96822  
Telephone (808) 948-7361

Office of the Director

November 7, 1977

RL: 0255

Mr. George Moriguchi  
Department of Land Utilization  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

## Amended Shoreline Protection Ordinance

Our attention has just been called to the amendment of Honolulu Ordinance 4529 relating to the Shoreline Protection District that was approved by the Mayor on 19 October. As I understand the effect of the amendment, it will allow for the other documentation submitted by an applicant for an shoreline management permit to substitute for an EIS. No agency or public review of such documentation is provided for. Hence you, as Director, must judge without the benefit of such review, whether the documentation is adequate.

I can see two possible purposes to the amendment:

- 1) Avoid the cost of preparing an EIS.
- 2) Avoid the delay of preparing an EIS and having it reviewed.
- 3) Avoid the public disclosure of environmental detriment required in the EIS process.

I believe the first of these purposes is based on a false premise--that an EIS must necessarily be a costly document. There has in my opinion been unnecessary cost in the preparation of some EIS's, and in a present study of the State EIS system we will attempt to define how costs may appropriately be reduced. The preparation of substitute documentation, if it is adequate, will be equally costly.

The second purpose is a valid one, but it is difficult to see how the unavoidable delay related to an EIS will be any longer than the review and response period of 60 days. The time required for preparation of adequate substitute documentation will ordinarily be just as long as for preparation of an EIS. You may recall that in our review of the State Shoreline Protection Act, we indicated how the EIS review and response processes could be meshed in time with permit processes.

Mr. George Moriguchi

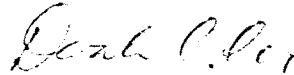
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November 7, 1977

I would like to believe that the third purposes was not in mind. It is, of course, not an appropriate purpose in public policy. The avoidance of public disclosure will be effected, even if this was not a purpose.

As you know, our Environmental Center cannot review with justice all EIS's. If, however, some documentation is proposed as a substitute for an EIS and the environmental issues seem to you as substantial as those discussed in one of our EIS reviews, we would not discourage you from asking us to assist in formulating your judgement as to its adequacy.

Yours very truly,



Doak C. Cox  
Director

DCC/ck

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 4529 PERTAINING TO SHORELINE PROTECTION DISTRICT FOR OAHU.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION I. Ordinance No. 4529 shall be amended in the following respects:

A. Section 1B shall be amended as follows:

B. Purpose

It is the City and County of Honolulu's policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. [Until a general coastal zone management program can be developed and implemented,] Special [interim] controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and foreclosure of management options, and to insure that adequate public access is provided to public owned or used beaches, recreation areas, and natural reserves, by dedication or other means. [The objectives of the special management area shall be the maintenance, restoration and enhancement of the overall quality of the coastal zone environment, including but not limited to, its amenities and aesthetic values.]

B. Section 3 shall be deleted in its entirety and the following section shall be added in its place:

SECTION 3. Objectives and Policies

The objectives and policies of this ordinance shall be those contained in Section 205A-2, HRS.

C. Section 5B(3)(a)(iii) and (iv) shall be amended as follows:

(iii) require a shoreline management permit, but [to have no significant impact on the special management area; or] not to require an environmental impact statement; or

(iv) require a shoreline management permit, and to [have a significant effect on the special management area.] require an environmental impact statement.

G. Section 15 shall be amended as follows:

SECTION 15. Effective Date of Ordinance

This Ordinance shall take effect on December 1, 1975.  
[and shall remain in effect until implementation of a  
coastal zone management program, pursuant to the  
Coastal Zone Management Act of 1972, Public Law 92-583,  
and to Section 205A-1 and Section 205A-2, HRS.]

SECTION II. Ordinance material to be repealed is bracketed.  
New material is underscored. When revising, compiling, or  
printing this ordinance for inclusion in the Revised Ordinances of  
Honolulu, the Corporation Counsel need not include the brackets,  
the bracketed material or the underscoring.

SECTION III. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Rudy Parsons

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DATE OF INTRODUCTION:

AUGUST 31, 1977

Honolulu, Hawaii

Rudy Parsons  
Councilmembers

APPROVED AS TO FORM & LEGALITY:

James H. Howell  
Deputy Corporation Counsel

APPROVED this 19th day of October, 1977.

Frank F. Fasi  
FRANK F. FASI, Mayor  
City and County of Honolulu



# University of Hawaii at Manoa

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Honolulu, Hawaii 96822  
Telephone (808) 948-7361

Office of the Director

November 25, 1977

Honorable Frank F. Fasi  
Mayor, City & County of Honolulu  
City Hall  
Honolulu, Hawaii 96813

Dear Mayor Fasi:

We meant to send you a copy of the enclosed letter sent to George Moriguchi concerning Amendment of the Shoreline Protection Ordinance, but failed to do so at the time the letter went out.

We were surprised to learn of the passage of the Amendment (Ordinance 77-100). Should you wish to discuss the matter in consideration of our remarks to Mr. Moriguchi, please contact us at 948-7361.

Sincerely,

Doak C. Cox  
Director

DCC/ck

Enclosure

cc: Marilyn Bornhorst  
OEQC



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Environmental Center  
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Honolulu, Hawaii 96822  
Telephone (808) 948-7361

Office of the Director

November 25, 1977

Mrs. Marilyn Bornhorst  
City Council  
City & County of Honolulu  
City Hall  
Honolulu, Hawaii 96813

Dear Mrs. Bornhorst:

We meant to send you a copy of the enclosed letter sent to George Moriguchi concerning Amendment of the Shoreline Protection Ordinance, but failed to do so at the time the letter went out.

We were surprised to learn of the passage of the Amendment (Ordinance 77-100). Should you wish to discuss the matter in consideration of our remarks to Mr. Moriguchi, please contact us at 948-7361.

Sincerely,

Doak C. Cox  
Director

DCC/ck

Enclosure

cc: Mayor Frank Fasi  
OEQC